own weights and in no two districts are the same measures used. This is probably due to the absence of the provision in the Act to make Government standard weights and measures compulsory. The fact that the British Indian L gislature has abstained from making them compulsory, although the notifications issued under the Act could take into account local conditions and make the necessary adjustments, may be taken as an indication of their conviction that absolute uniformity was not possible without serious disturbance to every-day transactions. It is by equivalents that all transactions are regulated there. Much, therefore, depends on the table of equivalents that will have to be fixed after the Bill becomes law. One cannot be too careful in framing the tables. We may take the general principle of the Bill as having been affirmed by the Council and proceed with the next stage.

Mr. Rajaram Row then moved that the Bill be referred to a Select Committee consisting of Messrs. Thanu Pillai, Sivasubramonia Pillai, Dharmaraja Iyer and the Mover, to report within 3 months.

Seconded by Mr. Nagam Aiya.

Carried.

## THE PRESS BILL.

Mr. Rajaram Row.—The second business before this Council to-day is the discussion of the principle of the Bill, which I introduced at the last meeting, for regulating printing-presses and periodical publications and books. I may say, at the outset that the Bill has been drafted on the lines of British Indian Act XXV of 1867, and two clauses of the British Post Office Act have, for reasons which I shall explain later on, been also inserted in it. A few brief facts connected with press legislation in British India will, I think, help us in understanding the provisions which this Bill contains, because whatever legislation we have on that point already has been copied from there and, with your permission, I will state those facts. Towards the middle of the last century, the Government of the Honourable East India Company found that books, reviews, magazines and periodical works were being composed and printed in certain parts of their dominions, and they wished to encourage such work by giving to their authors and publi-hers a right till then unknown, namely, a right of property in the fruits of their intellectual labours and by making the infringement of such rights specially actionable. There was a copy-right law for the United Kingdom, but doubts were felt whether it could be enforced in India. Hence, a new law, Act XX of 1847, was passed by the Indian Legislature of the time.

By this Act, the author of every book, and after his death, his heirs, and the projector, publi-her, and conductor of every encyclopædia, review, magazine or periodical publication, got a proprietary right in such work for a period of 42 years on fulfilling certain conditions. Respect for such right was enforced by making the printer and the person who caused the printing and the publisher of any work in infringement of this copy-right, liable in damages to the copyright-holder, and the property in the books &c., so printed and published was at once taken away from him and vested in the copyright-holder. Another feature of that Act was, that if any "book of importance" was not likely to be republished after the death of the original copyright holder while yet that right continued in his heirs, and such book was in consequence likely to be lost to the public, the Government had a right to issue a license to any person it pleased and cause its republication, showing thereby how solicitous the framers of the law were, not only to encourage literary enterprise, but also to benefit the public by the fruits thereof. From a careful perusal of this Act, it would be seen that at the time it was passed, literary enterprise was in its infancy and that it was confined to certain large towns. At that time, printing-presses were also very few. Twenty years, however, brought about a great change, and additional legislation became necessary. During that period, the famous Educational Despatch of 1854 had been issued from the India Office, and a great impetus had been given both to learning and to various kinds of literary composition. Private enterprise in other directions, too, had at the same time sprung into existence, and one direction in which it developed was the establishment of printing presses throughout the country by men of large means. An Act

LIBRARY ARCHIVES Kerala Legislative Assembly

(XXV of 1867) was passed which supplemented the previous legislation by bringing under control private printing establishments and the publications which emanated from them. For this purpose, certain duties and obligations were imposed upon the owners and managers of printing machines and also upon persons who issued to the public at large, through the medium of those machines, whatever literary matter they composed, and the infringement of those duties and obligations was made penal. Some of the critics of this Bill have drawn my attention to certain sections of the Penal Code, and I may refer to one of them here. The framers of that great Criminal Law being conscious of the fact that every good thing in the world had also its bad counterpart, knew that along with the printing and publishing of good works, there would also be the printing and publishing of bad ones, and inserted in that Code, section 292 for punishing and discouraging obscene and immoral literature, and this was 7 years before the Press Legislation of 1867 came into force. For *determining* the person who prints or publishes a work against the terms of the above mentioned laws, or who defames his neighbour through any printed publication, Act XXV of 1867 lays down certain rules and exacts conformity with them. This, with certain later amendments in regard to details, is in brief the Press Law of British India.

Returning now to our own country, I need hardly say that in educational advancement and in the development of various kinds of enterprise she has always moved on parallel lines with British India. In 1854, His Highness the Maha Rajah's Government found it necessary to pass a law, Regulation II of 1039, for the same purpose for which the British Indian Legislature passed its first law 17 years previously, and they adopted most of the important provisions of the latter. "To encourage the publication of useful books in Travancore" by securing copy-right to the authors thereof was the object of that Regulation, and a proprietary right in books was secured to the authors for the same period of time as in British India, and the infringement of such right was made as actionable as it was there. It will not be denied that during the 37 years which have elapsed since the passing of that Regulation, vast changes have taken place in the country in literary matters as in everything else—changes which, from close personal observation and knowledge, I can testify, are no less marked than those which came over British India during the two decades that intervened between the first and second Acts of their legislation. Thanks to the efforts of our great teachers and of other great men who have controlled and moulded the education of His Highness' subjects, there are very few homes in the country to-day where the Goddess of learning has not found a shrine for herself or where she has not created a spirit of enquiry and thought, and this spirit of enquiry and thought has led to practical literary activity, as will be evident from the numerous books, pamphlets, magazines and newspapers of sorts and sizes, which have been produced and published in the country and which we see diffused broad-cast everywhere. I do not think any body who is familiar with Act XXV of 1867 or who cares to study it calmly and with an unprejudiced mind, will attribute to the framers of that law anything but a good intention. It will readily be admitted that the collection of all the books which are composed in the country and the grant of certain rights, where none existed, to authors, are laudable acts. It will also be admitted that the authors of those books and of other useful literary works should have ready means of finding out and proceeding against and obtaining satisfaction from persons who violate the rights thus kindly given them by Government. To call upon the officers in charge of a printing press to intimate to Government the fact of the existence of such press and to call upon them to give in each work they publish the name of its author, the place of its publication, their own names and position and to make the author conform to similar conditions, will not surely be the fixing of any unnecessary responsibility; for without such information, where will the honest author have the means of really finding out the person or persons who have, by a course of literary piracy, robbed him of the fruits of a whole life-time's labours? Or, if a printing press is to be made the medium for issuing forth obscene and unholy matter or for the propagation of the blasphemy of God and the slander of man, are not the public at large and the Government of a country bound to safe-guard the welfare of the people by bringing to account the perpetrators of such unrighteous deeds? There can, I believe, be only one answer to these questions, and that answer must be in the affirmative. Printing-presses and printed publications are public institutions

LIBRARY ARCHIVES Kerala Legislative Assembly

and they can exercise a vast amount of influence both for good and for evil and can make or mar a country's progress; and while it is highly necessary to encourage all that is good as unstintingly as possible, it is equally necessary to discourage all that partakes of the nature of evil before it saps at the roots of real progress. The Governments of all countries have, therefore, exercised a supervision over them. The British Indian enactment, I have already alluded to, simply does this work of supervision and what the present Bill contemplates is nothing more.

Those who have had to work under the press laws of British India will grant that those laws interfere very little with either the liberty of a subject's thought or with his liberty of speech, and I should think that honest literary enterprise has largely thriven under them. I have known instances of gentlemen who have worked under those laws, applying to His Highness' Government for similar conditions in Travancore. One of them occured in 1898. In that year, one Mr. Raman Oonnithan applied to the Dewan for permission to establish in Quilon, a branch of the Manomohanam Printing Press on the same terms and conditions on which he was managing it in Tangacherry. The Government ruled that on his subscribing to certain conditions, the permission asked for was to be given. The conditions were really the declarations prescribed by Act XXV of 1867 and which you see in the present Bill. As this was the first instance in which the subscribing to conditions was laid down by Government, and as they wished that it should serve as a rule for the future, they issued an order to all District Magistrates to get those declarations, whenever applications were received for establishing printing-presses. There were several other applications in which permission was sought and granted. But, at the same time, there have also been instances in which, through ignorance or some other cause, presses have been established and literary publications issued without conforming to the wholesome rules laid down by Government. An uniform procedure with legislative sanction for the regulation of printing presses and the publication of periodicals has, therefore, become necessary and unavoidable. Hence this Bill.

Of the 28 sections which the Bill contains, all but definitions (*a*) and (*c*) and sections 9 and 21 have been adopted, *mutatis mutandis*, from Act XXV of 1867, and a reading of them is enough to show how very insignificant are the restrictions they impose. Definitions (*a*) and (*c*) have been put in simply to avoid circumlocution, which I found to be a fault of the law which I was taking as my guide. In every section in which the terms "printing" and "newspaper" are referred to, the whole of the phraseologies, I have given as the definitions are repeated, but this repetition I have avoided. Nor are those definitions my own; they have been taken from a British Indian Act.

Sections 9 and 21 do not find a place in the British Indian press law, but they are taken from the present Postal Act of that Government. Both in the "Objects and Reasons" of this Bill, and in the remarks which I had the honor of addressing you at the last meeting, I explained that, by Regulation IV of 1076, the Postal Law of British India has been adopted as one of our own laws, and this is done for the management and control of the British Post offices, which have of late been so profusely established all over the country. If we had no other kind of post offices, there would have been no necessity for any other special legislation; but we have our own State Anchal and we have also a separate law for regulating it. That law runs almost on all fours with the British Act, VI of 1898, and the few points of difference which exist between the two have to be corrected by legislation, so that what is controlled through one set of offices might not be left uncontrolled through the other. Sections 9 and 21 of the Bill are simply adaptations of sections 20 and 61 of Act VI of 1898, and so far as the penalties are concerned, I have tried to make them more definite and lenient than those laid down in the British Act. By section 61 above referred to, no limit is put on the fine to be inflicted, nor is it stated whether the imprisonment to be awarded is to be simple or rigorous for an offence under section 20 of the British Postal Act. I have, in this Bill, put a maximum limit to the fine and declared that the imprisonment shall not be rigorous.

It might be said that if these two sections are necessary, they ought to find a place in the Anchal Regulation. Government do not at present contemplate any

LIBRARY ARCHIVES Kerala Legislative Assembly

amendment of that Regulation, and as it so happens that there is already before the Council another piece of legislation in which these provisions can fittingly find a place, it has been thought expedient to put them in there.

Before I close these remarks, I wish to say a word about certain criticisms which have come to my notice. I could understand people entertaining fears about the Bill when they had no opportunity of seeing it. They might then have been justified in thinking that the liberties of the public might perhaps be unnecessarily curbed or curtailed; but after seeing the Bill itself, I do not think there was any warrant for the misapprehensions which have been expressed. Judging from what I have seen, it looks as if the critics of the Bill had not the patience to read the Statement of Objects and Reasons attached to it nor the few remarks I made at the last meeting, for no part of the explanations given by me has been touched upon by them; and I should feel perfectly justified if I thought that the critics did not care to read anything outside the Bill itself, but even within its four corners, there is nothing to justify all that has been said. I hope the explanations which have been given will be read carefully and without any prejudice of mind, and people will understand that neither His Highness' Government nor His Highness' officers contemplate doing anything calculated, even in the slightest degree, to throw back or retard the advancement of the country in whichsoever direction it might be.

I now ask you to assent to the principle of the Bill.

Seconded by Mr. Thanu Pillai.

Mr. Nagam Aiya.—A free and independent Press, Sir, is one of the chief aids to a civilised Government. But it presupposes also a highly civilised people to benefit by it. Otherwise, so useful an adjunct to people's welfare might be turned into an engine of oppression and a source of wanton mischief. An unbridled press is like driving in a carriage with two powerful but unbridled horses. This Bill proposes to put a gentle restraint on the local press which, however disagreeable at first, may lead to its steady improvement and elevation of tone, thus tending ultimately to the public advantage and as such will, I doubt not, receive the support of this Council and of the members of that honorable body known as the 'Fourth Estate' in civilised England.

The necessity for this piece of legislation will no doubt be patent to all. That this small State has already 16 journals in circulation, conducted in English and in the Vernaculars of the country, is a fact which perhaps is not fully known to the outside public. This means that Travancore has, comparing size with size, *more journals* than any part of British India or any other Native State. While this fact reflects credit on the education and intelligence of His Highness' subjects, it also indicates the clear need that exists for *regulating* and *controlling* what might otherwise become a waste of human power.

The existence of similar legislation in British India ought of itself to be a sufficient reason for its being followed in advanced Native States like ours, but the *rapid* growth of the Newspaper Press in Travancore, in recent years, renders it still more *imperative* on us to legislate for their protection and *regulation*.

It is my painful duty, however, to observe that the rapid growth of the Newspaper Press in Travancore has not been unattended with evil. It has been, on the contrary, often accompanied, I regret to say, by an absence of a sense of sufficient responsibility and, in some cases, even by an abuse of power—because perhaps newly acquired. It often occurred to me that these writers in the Press, unused to wield such a dangerous power, trifled with it as an ignorant child would, if permitted, trifle with a razor or a lancet.

The local Press, I mean the Vernacular Press especially, with of course honorable exceptions, have had a most unenviable career of late—often mistaking offensive language for effective criticism, attributing motives where not a whisper should be heard, mis-stating facts with a light heart to the serious detriment of vital public interests, and what is worse than all, tainting with colored stories, the pure minds of an innocent and credulous public, particularly the rising generation amongst them, whose future welfare should be an object of sacred solicitude. It is

LIBRARY ARCHIVES Kerala Legislative Assembly

our bounden duty, therefore, as far as it may lie in our power, to arrest this evil and to divert the current of educated public talent, such as may exist in the country, into useful channels, of aid and support to the authorities, for conveying earnest representations of public grievances and honest criticisms of public functionaries. For, as pointed out by a talented writer, the other day, in her tribute to the memory of our great Queen-Empress: "The worst lies and slanders are always said and written of those whose position is too exalted to allow them either answer or self-defence. When persons are themselves ignoble, they love nothing better than to defame nobility; and if they could force an answer from those whom they malign, they would be happy to have dragged down the higher than themselves to their own base level."

Who will oppose this Bill? Surely not those editors and contributors who, like ourselves, are actuated by honest and healthy motives, not those who want to educate and inform public opinion, not those who want to help Government by pointing out defects and short-comings in the difficult work of administration, nor those who want to raise themselves and their fellow-subjects in the duties of citizenship under an enlightened and generous Government. These will surely co-operate with us and lend us a helping hand in elevating their lesser brethren to their own high standard of respect and excellence, aiding in the formation and circulation of wholesome public opinion, and enabling them to clear their names from such unfortunate imputations as a 'scurrilous' Press, a 'rabid' Press, a 'venal' Press, and a 'reptile' Press, all of which epithets I have heard, I regret to say, freely cast on them. Am I wrong in saying that this *fraternal* duty devolves on the *higher* class of journalists? All newspaper men should honestly endeavour to deserve the encomium recently passed on a retiring editor of a well-known journal by the Right Honorable Mr. Arthur Balfour, that "he did not believe they (criticisms) had ever left a wound, (hear, hear) or that any man had felt sore after having been good-naturedly held up to the ridicule of the world, so happy had been the task, so wise the discretion which had guided the general policy of that journal, and which had animated the art of their guests (cheers). Sir John Tenniel (the editor) never lapsed even into a trace of vulgarity, or had shown the least venom in any of his productions by which the great cause of peace, humanity and civilisation had been furthered (cheers). The fame of British journalism was raised by a record like that, and the whole tone of public life was the better for such a sweetening influence."

It is not, of course, possible for all journals to reach the high ideal of "The London Times" or "The Madras Mail," but to put plain facts honestly before the public and to act the part of fair and honorable critics, is within the reach of *every* editor and contributor of *every* newspaper in the land. To such, this Bill will be perfectly innocuous

Who were the people that generally contributed to the vernacular papers of this country? What are their qualifications for the task? Are they capable of forming a right estimate of the responsibility that attaches to their profession? The bulk of the matter that appeared in the local Press was written either by youths who had quarrelled with their parents and had fallen off from home-dicipline, by boys who could not go up beyond the IV Form of a High School, by dismissed clerks or accountants in the revenue offices or by discontented volunteers in the public offices throughout the land. These formed the "degraded fringe," to use the Lord Chancellor's expression, "of the Fourth Estate." "These were people," he said, "who wrote malicious, spiteful and sordid paragraphs for certain papers."

There are, I understand, several misconceptions about the Bill which it is our duty to remove. It may be necessary to avoid even the appearance of a Press-censorship, or attempts to stifle free expression of honest thought or free discussion of public questions. It may be that the Bill is misconstrued as hindering the progress of knowledge or the development of science or putting obstacles before writers of books and pamphlets who, at present, form but a small minority. Such, surely, is not the object of this Bill.

It is possible that with regard to section 9, some more explicit provisions may have to be adopted, or with regard to sections 17, 19 or 21, some modification may

LIBRARY ARCHIVES Kerala Legislative Assembly

be required in the penalties prescribed. All these matters will, no doubt, receive due consideration when the Bill goes before a Select Committee. These are, however, small differences with regard to details and must always exist in any case, but do not affect the principle of the Bill itself. I therefore fully support it.

Mr. Kunhiraman Nair.—I do not oppose the Bill.

Mr. Ferguson.—I support the principle of the Bill.

Mr. Sivasubramonia Pillai.—The Bill aims at four things, (*a*) regulating the establishment of printing-presses, (*b*) regulating the publication of books and newspapers, (*c*) regulating the registration of books, and (*d*) regulating the preservation of copies thereof. The learned mover of the Bill frankly admits in his Statement of Objects and Reasons that nothing of note will be found in the Bill which affects newspapers, except sections 9 and 21, and I believe that, as a matter of fact, it is so. It is nothing but fair that when a book or newspaper is sent out to the world, the world and, for that matter, the Government has a right to know who wrote the book or the periodical, who published it, and out of what press, situated in what place, the printed matter issued forth. For this purpose, certain declarations are demanded under pain of penalty from printers and publishers, which cannot in any sense be said to be an interference with their liberties. It will further be noted that section 4 of the Bill, which requires the insertion of printers' and publishers' names, &c., apply only to books and newspapers and not to printed notices, invitation cards, marriage cards, prospectuses, &c., This is a very great relief, I should admit, and I think it would have been better if a small para were added to the section clearly stating the exceptions. That would remove any misapprehension on the part of printers and publishers and they would be able to better know their position. Then, there are certain provisions in the Bill which aim at protecting the copy-right of authors. The copy-right business is no new thing to Travancoreans, and the mover of the Bill has only put things in better trim in the light of the recent legislation of British India on the subject. Some complaints with regard to the penalties proposed in the Bill were heard, but they are matters that would be settled in Select Committee.

But there are two sections in the Bill, 9 and 21, round which there is a halo of suspicion and uncertainty which consequently require a thorough scrutiny. The learned mover of the Bill himself admits that these sections have been borrowed from the British Postal Act and that they have no place in Act XXV of 1867 which has been adopted as the guide for drafting this Bill. It, therefore, occurs to one's mind whether a Press Bill or a Copy-right Bill, whatever you call it, is the proper place to embody the provisions of a postal enactment. Perhaps it may be said that as the section deals with books and newspapers, its insertion in this Bill is not inappropriate. But it should be noted that it was the *transmission* of libellous matter and not the printing and publishing of it that was declared penal, and naturally a place was assigned to it in the British Postal enactment. Looked at from this stand-point, I should say that the insertion of the section in this Bill is out of place. Be this as it may, my difficulty lies in another direction. The section says that any one who sends any "indecent", "obscene", "seditious", "scurrilous", or "grossly offensive" matter comes under the purview of the section and in addition to such publications being stopped by the hand of the Dewan, editors and publishers stand the risk of being caught under the penal clauses of section 21. I have reason to believe that the recent misconduct of certain journalists and their unwholesome utterances from out of the way nooks and corners of the country, must have weighed very much in the mind of the mover of the Bill in framing this section. I am also aware that books of an obscene kind, cheap, obnoxious literature, have of late sprung into existence, and that it is necessary to protect public morals from any manner of contamination. I know the honor of Government and its officers is as sacred as that of the subjects, that Government has a reputation to maintain, and that, therefore, it has to arm itself against unfounded and malicious attacks. But, with all deference to the mover of the Bill, I doubt very much whether the section is not very elastic and whether it does not go far in excess of the requirements of the situation. I truly feel a difficulty in this matter. The retention of the section appears necessary, when we consider how, in the past, caricatures of men and officers were published in some of the papers, and how certain papers indulged

LIBRARY ARCHIVES Kerala Legislative Assembly

in reckless vituperative language against the officers of Government. In such circumstances, I should think it extremely necessary, in the interests of both the Government and its subjects, that the hands of Government should be strengthened to deal with such publications as it likes, and the Dewan be empowered to seize all such and to stop their circulation. So far so good. But I fear, as I said before, the section is very elastic. In trying to suppress a reptile press, we may unwittingly mar the interests of honorable journalism in the country. The words used in the section are very wide and comprehensive. They may mean anything and everything. Look at the words "threatening" and "grossly offensive." Remonstrations against the acts of officers, *bona fide* criticisms of their conduct, even when found in a first class journal may be easily converted into "threatening" and "grossly offensive." Bitter truths have sometimes to be told, and they must necessarily offend the feelings of the powers that be. Government, it must be remembered, is a composite body, and all the men that compose it may not be always good. We cannot invest Government with arbitrary power. It may be good to have a giant's strength, but it cannot be used as a giant. There is no guarantee for the people that the giant will not use the giant's strength. Under such circumstances, honorable journalism will suffer. It goes without saying that the tone of public journalism in a country is a fair index of its civilisation, and while it should be our constant endeavour to nourish the growth of honorable journalism by all possible means, we should also be on the look-out to stamp out the reptile press, if any, in the country. We should be on our guard that the blow aimed at one object does not miss and strike another. I, therefore, request that the words "threatening" and "grossly offensive" be expunged from the section. Even with regard to the other words and the whole tenor of the section itself, certain restrictions will have to be added to curtail its scope, with a view to afford better security to the rights of the better-class of journalists. It is not proper that we should hang a Democles' sword over the heads of editors and publishers and it is not proper that they should be asked to discharge the duties of an honorable profession with a constant lurking fear in their hearts. I hope a strong Select Committee will sit in judgment and do the needful. With regard to section 21, I think it is unnecessary. I have given my assent to the retention of section 9 in a modified form, because when foreign journalists and authors take it into their heads to flood this country with their obnoxious literature, it may not be possible for us to deal with them under the law of defamation as contained in the Penal Code, for the very reason that the offenders would be outside Travancore. But in the case of the latter section, the offender must necessarily be within the limits of Travancore and consequently he may be brought under the clutches of the penal law of the country without the aid of this section. With these remarks, I support the principle of the Bill.

Mr. Dharmaraja Iyer:—I am for affirming the principle of the Bill. The only objection that could be raised to this measure is that the Press in this country is in its infancy and the passing of a Regulation might suppress free criticism and cripple the press. But, as observed by the learned mover of the Bill, there is the danger of this useful institution falling into error and doing harm instead of good, if left without the guidance and support necessary for all institutions in their infancy. We have had experience of the working of the press in the neighbouring British territory for the past 40 or 50 years and we know that the interference of the legislature has had a wholesome effect there. As regards the observation that the Penal Code contains the needful provisions, I would only say that prevention is better than cure. I think, therefore, that a press law is necessary to fix the responsibility of printers, publishers and proprietors of printing-presses and news-papers.

President:—The speech of Mr. Sivasubramonia Pillay would make one believe that it is with the express object of putting out scurrilous papers that the present Bill has been brought into the Council. I may assure him and the public that it is not with the object of suppressing the circulation of any particular paper or papers that sections 20 and 61 of Act VI of 1898 have been incorporated in our Bill. We have a very large number of British Post Offices in Travancore. By Regulation IV of 1076, the British Post Office Act (VI of 1898) has become law of Travancore, so that, so far as one set of post offices is concerned—the British Post Offices—the power referred to is conferred on the executive. There is another set of post offices in the country—the Anchal. The question then naturally arises whether

LIBRARY ARCHIVES Kerala Legislative Assembly

the Anchal should not also be regulated by the same rules, in other words, whether the power taken should not be extended in respect of the Anchal also. We have not at present, the power to stop circulation through the Anchal. Recently we received an authoritative requisition to stop the circulation of a certain journal published in a foreign country. Under the existing law, we could not give effect to the requisition. It was this circumstance that mainly weighed with me when I suggested to Mr. Rajaram Row to embody in our Bill the two sections in question from the British Act. I have nothing to add to the observations of my friends on the other provisions of the Bill.

The Council having affirmed the principle of the Bill, Mr. Rajaram Row moved that the Bill be referred to a Select Committee consisting of Messrs. Nagam Aiya, Ferguson, Sivasubramonia Pillai and the Mover, to report within three months.

Seconded by Mr. Thanu Pillai.

Carried.

## GUARDIAN AND WARDS BILL.

Mr. Kunhiraman Nair.—I beg to move that the Report of the Select Committee on the Bill for making provision for the care of the person and property of minors in Travancore be taken into consideration.

The report was presented to the Council more than a year ago, on the 1st September 1900, and the Bill itself has been before the public for more than three years. It has evoked no hostile criticsm from any quarter, and framed as it is on the lines of the British Indian Act VIII of 1890 relating to Guardian and Ward passed after a good deal of discussion by eminent British Indian statesmen and legislators, there is every guarantee of its having reproduced a well-considered and beneficial measure. A legislation of the sort modelled, as far as circumstances permit, on British laws, will I believe, be a real reform in the mode of administration of justice. The absence in our Statute Book of such a law, facilitating the protection and conservation of the property of minors who are incapable of taking care of such property, has been felt in many a case that has come up before our Courts, and a recent case decided by a Full Bench of the High Court—A. S. Nos. 45 and 133 of 1074 in which the minors of a Syrian Christian family, who inherited from their father property worth about Rs. 26,000, had to involve themselves in a prolonged litigation for recovering that property from their guardian and for compelling the guardian to render accounts of his management, and in which the Court costs amounted to nearly Rs. 6,000, that is, about one-fourth of the value of the whole estate—is fresh in my recollection. This prolonged litigation and the consequent heavy expenses could have been avoided, if such a law as now proposed had then existed. It is, however, needless at this stage to dilate upon the utility of the present legislation as the principle of this bill has been already affirmed by the Council. The British Indian Act, VIII of 1890, is the latest and fullest of the Indian Acts relating to guardians and it consolidates the law as contained in four previous Acts, Act 40 of 1858, Act 20 of 1864, Act 9 of 1881, and Act 13 of 1874, the latter relating exclusively to European British Subjects. This Council is incompetent by the terms of the Legislative Council Regulation of 1073, section 12, clause (*f*), to undertake legislation affecting European British Subjects, *the power of legislating for that community being vested under section 14 in His Highness the Maha Rajah alone.* There are very few minors of that class permanently settling in this State and there is, therefore, not the same necessity for legislation regarding them as there is in the case of other classes of people, and I shall have to submit presently for your consideration and acceptance amendments calculated to exclude minors being European British Subjects from the operation of the proposed Regulation. The legislation here must be confined to minors belonging to other communities who as permanent settlers are in need of the protection of the State, and in regard to these latter, I may say that the Bill has been so framed, that while its provisions afford sufficient safe-guards for the person and property of the minors, all undue interference with the social and domestic institutions of the people concerned is avoided. Section 4 is expressly intended to save the personal laws of the Hindus, Mahomedans, Christians and other sections of the communities in the matter of appointment of guardians, and that intention will be made clearer by the insertion of an Explanation, of which I have

LIBRARY ARCHIVES Kerala Legislative Assembly